

106 KAR 4:010. Commonwealth of Kentucky Military Burial Honor Guard Trust Fund and State Military Burial Honor Guard.

RELATES TO: KRS 36.390, 36.392, 36.394, 36.396, 10 U.S.C. 1491

STATUTORY AUTHORITY: KRS 36.390(3), 36.394(1)

NECESSITY, FUNCTION AND CONFORMITY: KRS 36.392(1) establishes Kentucky's Military Burial Honor Guard Trust Fund. KRS 36.390(3) requires the Kentucky Department of Military Affairs to implement and administer this fund and to implement a state burial honor guard program which complies with and supplements the federal, United States Department of Defense, Military Funeral Honors Program as prescribed by 10 USC 1491. This administrative regulation establishes the requirements, policies, procedures and operational criteria for Kentucky's State Military Burial Honor Guard Program.

Section 1. Definitions. (1) "Casualty Assistance Office" means the designated United States Department of Defense element for civil funeral directors to request all Military Funeral Honors Program support.

(2) "Eligible veteran" means a Kentuckian who:

- (a) Has served the state and nation in the armed forces;
- (b) Was discharged under other than dishonorable conditions;
- (c) Was a member or former member of the Selective Reserve, to include the Kentucky National Guard;
- (d) Is recently deceased; and
- (e) Has not been convicted of federal or state capital offenses and sentenced to life imprisonment without parole or received the death penalty.

(3) "Fund" means the Commonwealth of Kentucky Military Burial Honor Guard Trust Fund established by KRS 36.392(1) to fund State Burial Honor Guard Program activities required by KRS 36.390 to 36.396.

(4) "Military funeral honors authorized provider" means any veteran's service organization or other military or civil entity that has been trained to Department of Defense Military Funeral Honors Program standards in the proper decorum for military funeral honors and is Department of Defense-recognized to provide military funeral honors under the program criteria.

(5) "Selected reserve" means military units and individuals in each reserve component that participates in paid, federal training periods and serves on paid, federal active duty for training and includes members and former members of the Kentucky National Guard.

(6) "State Military Burial Honor Guard Coordinator" means the Kentucky Department of Military Affairs representative who has been designated by the Adjutant General of Kentucky as having program responsibility for the effective implementation of the overall program within the state.

(7) "State Military Burial Honor Guard Program" means the state program, funded by Kentucky's Military Burial Honor Guard Trust Fund, that complies with and supplements the federal, Department of Defense Military Funeral Honors Program for rendering military funeral honors to eligible Kentucky veterans.

(8) "United States Department of Defense Military Funeral Honors Program" means the federal program implemented by 10 USC 1491 which required the federal military to perform a basic, two (2) person, level of funeral honors upon request for all eligible veterans.

Section 2. Burial Honor Guard Trust Fund. (1) Money derived from the fund established by KRS 36.392(1) shall be expended for an approved program that:

- (a) Funds activities of the State Military Burial Honor Guard Program for costs incurred or

deemed necessary by the Department of Military Affairs, State Military Burial Honor Guard Coordinator;

(b) Provides for honorable military burials for Kentuckians who have served their state and nation in the armed forces;

(c) Encourages and assists veterans organizations and other certified military funeral honors authorized providers in the rendering of military funeral honors; and

(d) Works with the public and private sectors to honor and recognize the service and sacrifice of veterans.

(2) Fundraising.

(a) The fund may accept appropriated funds, gifts, donations, or grants from an individual, a corporation, or government entity.

(b) Solicitation of funds or fundraising on behalf of the fund shall not be made unless specifically approved by the Adjutant General of Kentucky.

(c) Gratuitous donations may be accepted by the fund.

1. Checks shall be made out to the Kentucky State Treasurer.

2. Checks shall be sent to the Adjutant General of Kentucky, Attention: State Military Burial Honor Guard Coordinator, Building 100, Boone National Guard Center, 100 Minuteman Parkway, Frankfort, Kentucky 40601-6168.

(3) Incidental costs. Program encumbrances and disbursements shall be approved by the state Military Burial Honor Guard Coordinator prior to the conduct of a funeral detail subject to the availability of funds. Program expenditures shall not be made for a commodity or service otherwise provided by an existing federal or state entitlement or program.

Section 3. State Military Burial Honor Guard Program. (1) Policy.

(a) The State Military Burial Honor Guard Program shall be the burial honor guard program required by KRS 36.394(1) for the rendering of military funeral honors, which is the ceremonial paying of respect and the final demonstration of the country's and state's gratitude to those Kentuckians who, in times of war and peace, have faithfully defended the state and nation in the armed services.

(b) A Kentucky veteran shall be entitled to military funeral honors under this program if the veteran is deemed eligible under military funeral honors program eligibility criteria established in Section 1(2) of this administrative regulation and subject to the availability of funds.

(c) The State Military Burial Honor Guard Program shall supplement the minimum, two (2) person, flag presentation ceremony of the 10 USC 1491 federal military honors program support provided to Kentuckians.

(2) Standards. The State Military Funeral Honors Program and all program activities shall comply with the standards established by Department of Defense guidance in the conduct of ceremonies and the Department of Defense Military Funeral Honors Program defined in 10 USC 1491.

(3) Responsibilities.

(a) Department of Military Affairs, State Military Burial Honor Guard Coordinator. The State Military Burial Honor Guard Coordinator shall:

1. Implement this administrative regulation to conduct military funeral honors support by the Kentucky National Guard and other military funeral honors authorized providers;

2. Ensure proper decorum for funeral honors including appropriate trained personnel and proper equipment, standardized procedures and quality control of funeral honors details consistent with Department of Defense guidance;

3. Validate requests for military funeral honors support received from the Casualty Assistance Office and coordinate with providers who are authorized to provide military funeral hon-

ors details to render approved honors under the state Military Burial Honor Guard Program;

4. Ensure adequate funding is requested to support the state Military Burial Honor Guard Program;

5. Coordinate with active and reserve military, veterans service organizations, and other civil military funeral honors authorized providers concerning their support and assistance in the conduct of a military funeral honors detail;

6. Serve as the primary coordinating agency and single point of contact for all matters relating to the conduct of military funeral honors details by the Kentucky National Guard;

7. Collect standardized data on all military funeral honors rendered by the Kentucky National Guard and supported by the state Military Burial Honor Guard Program; and

8. Receive and coordinate all requests for military funeral honors support from the Casualty Assistance Office and coordinate support with funeral directors, family members or other authorized sources.

(b) Department of Veterans Affairs. The Kentucky Department of Veterans Affairs shall:

1. Support the Department of Military Affairs in the implementation and maintenance of the state Military Burial Honor Guard Program;

2. Coordinate the Department of Defense required training of all veteran's service organizations as military funeral honors authorized providers;

3. Assist military funeral honors authorized providers in procuring sufficient training aides and equipment to conduct military funeral honors;

4. Maintain a list of all military funeral honors authorized providers who have successfully completed the required training and have been recognized by the Department of Defense as military funeral honors authorized providers; and

5. Provide a copy of this list to the Department of Military Affairs, State Military Burial Honor Guard Coordinator at least quarterly.

(c) Military funeral honors authorized providers. Military funeral honors authorized providers may perform, augment and supplement state military funeral honors details. The Adjutant General may establish on-going liaison and formal agreements with any Department of Defense recognized military funeral honors authorized provider or other entity within the state to assist them with obtaining Department of Defense recognition, training, and support or to further the understanding of the sacrifices made by the deceased Kentucky veterans being honored.

(4) State Military Burial Honor Guard Program procedures.

(a) Requesting military funeral honors support.

1. Civil funeral directors, rather than families, shall contact the appropriate Department of Defense Casualty Assistance Office to request military funeral honors support.

2. All requests from funeral directors for military funeral honors support shall be directed to the Department of Defense centralized toll free access system at 1-877-MIL-HONR (1-877-645-4667). This Department of Defense component shall coordinate with the Kentucky Department of Military Affairs or other military element to provide the requested support to eligible veterans. Military funeral directors shall provide the service component that the deceased was a former member of, i.e., Kentucky National Guard, other Selected Reserve element, U.S. Army, Air Force, Navy, Marine Corps, or Coast Guard.

3. All requests for military funeral honors support shall be a minimum of forty-eight (48) hours in advance of the requested burial ceremony. The Department of Military Affairs may, if circumstances warrant, waive the forty-eight (48) hour notice requirement.

(b) Additional information on military funeral honors and the funeral honors process shall be available to funeral directors, veterans and family members at the Department of Defense web site, www.militaryfuneralhonors.osd.mil. (28 Ky.R. 185; Am. 554; 850; eff. 9-6-2001.)